UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/49/860
8 March 1995

ORIGINAL: ENGLISH

Forty-ninth session
Agenda item 42

THE SITUATION IN CENTRAL AMERICA: PROCEDURES FOR THE ESTABLISHMENT OF A FIRM AND LASTING PEACE AND PROGRESS IN FASHIONING A REGION OF PEACE, FREEDOM, DEMOCRACY AND DEVELOPMENT

United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala

Report of the Secretary-General

1. This report is submitted pursuant to General Assembly resolution 48/267 of 19 September 1994, in which the Assembly decided to establish the United Nations Mission for the Verification of Human Rights in Guatemala (MINUGUA) in accordance with my recommendations, for an initial period of six months, and requested me, inter alia, to keep the Assembly fully informed of the implementation of the resolution.

2. By my note dated 1 March 1995 (A/49/856), I transmitted to the General Assembly the first report of the Director of MINUGUA, which contains information on the establishment and deployment of the Mission, as well as its activities since its formal inauguration on 21 November 1994 following an exchange of letters with the Minister for Foreign Affairs of Guatemala. The status-of-mission agreement was approved by the Guatemalan Congress in December 1994 and passed into law in January 1995. Agreements on security arrangements have been signed with both parties. I should like to reiterate my appreciation to the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) for the support and cooperation provided to the Mission so far.

3. Since 28 February 1995, the Mission has been fully deployed, with headquarters in Guatemala City, eight regional offices and five sub-offices. By 21 February, a total of 211 international staff members had joined the Mission, comprising 111 substantive staff - of whom 72 are United Nations volunteers - 60 administrative and logistic support staff, 10 military liaison officers

(provided by the Governments of Brazil, Spain and Sweden) and 30 civilian police observers (provided by the Governments of Brazil, Colombia and Spain). In addition, MINUGUA employs 67 locally recruited staff.

4. As noted in the report of the Director of MINUGUA, the Mission is close to attaining its authorized strength of 245 international staff. However, I share the Director's concern that the human rights verification teams have had to operate with only half of the authorized civilian police observers, and I hope that if the mandate of MINUGUA is extended, Member States will be in a position to make available the additional 30 police observers needed to staff the verification teams at full strength. As also noted in the report, deficiencies in the functioning of the national police are one of the causes of the structural inadequacy of the national system for the protection of human rights. International police expertise is therefore important to ensure the effectiveness of MINUGUA, both in its verification and institution-building functions.

5. The first three months of activities have confirmed the need for substantial improvements in the observance of human rights and in the fulfilment of the other commitments contained in the Comprehensive Agreement on Human Rights (A/48/928-S/1994/448, annex I). In his report, the Director of the Mission expresses particular concern about the incidence of violations of the right to life that have occurred since the establishment of the Mission. The report also emphasizes that widespread impunity is the principal obstacle to the exercise of human rights. Section VI of the report contains 31 recommendations, 27 of which are addressed to the Government and 4 to URNG. I call the parties' attention to these recommendations and expect them to comply fully with their undertakings in the Comprehensive Agreement on Human Rights, in accordance with General Assembly resolution 48/267.

6. The emphasis on support to national entities responsible for the protection of human rights and the request that international verification contribute to strengthening them are innovative features of the Comprehensive Agreement on Human Rights. In that context, MINUGUA was empowered to cooperate with national entities and, in particular, to sponsor technical cooperation programmes and institution-building activities. MINUGUA was also empowered to promote the international technical and financial cooperation required to strengthen the capacity of the national system for the protection of human rights.

7. Through its institution-building and technical cooperation branches and in close cooperation with UNDP, MINUGUA is developing projects with the Public Prosecutor's Office, the Counsel for Human Rights and the Ministry of the Interior. It is also setting up a long-term project for the structural reform of the administration of justice. Also under consideration are cooperation projects with non-governmental organizations. These projects are deemed essential to strengthen the ability of Guatemalan institutions to combat impunity. National and international resources are necessary to carry them out. In resolution 48/267, the General Assembly invited the international community to support such institution-building and cooperation projects. I should like to appeal to Member States to contribute generously to such activities through the recently established Trust Fund for the Guatemala Peace Process.

8. In my letters of 28 December 1994 to the Presidents of the General Assembly and the Security Council (A/49/825-S/1994/1453) and in my subsequent report of 1 March 1995 to the General Assembly and the Security Council (A/49/857-S/1995/168), I expressed my concern at the stagnation of the negotiations during the second half of 1994 and went on to outline the steps taken with a view to giving renewed dynamism to the peace negotiations. In the report, I also indicated that on the basis of the positive replies received from the parties to the package of proposals transmitted to them on 17 February 1995, I considered that minimum conditions existed for the continued involvement of the United Nations in the peace process. However, I stressed that the United Nations involvement could not be a substitute for the parties' political will to negotiate and implement, seriously and resolutely, a peace settlement. I also invited them to make good on their commitment to recapture lost momentum and to conclude quickly a package of agreements that would ensure the end of the armed confrontation and, at the same time, lay the foundations for a lasting peace.

9. In my report of 18 August 1994 (A/48/985), I expressed the conviction that the establishment of MINUGUA could make a decisive contribution to ongoing efforts in Guatemala to put an end to a persisting pattern of human rights abuses and that it would bolster the peace process by promoting full compliance by the parties with the Comprehensive Agreement on Human Rights and thus strengthen the confidence of the parties and the Guatemalan people as a whole in the agreements reached at the negotiating table. While the target date agreed to by the parties in 1994 for reaching a final peace process has had to be revised, I continue to believe that the presence of MINUGUA can be an important factor both in improving the human rights situation in Guatemala and in enhancing the prospect for an early end to the armed confrontation.

10. Based on the above considerations, on the strong support of the Government of Guatemala and URNG for the renewal of the mandate of MINUGUA and on similar support expressed by broad sectors of Guatemalan society, I recommend that the General Assembly authorize the renewal of the mandate of MINUGUA for a further period of six months. I will keep the Member States informed of further progress in the Guatemalan peace process.